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C O N F I D E N T I A L ZAGREB 001351

SIPDIS

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SUBJECT: CROATIA TAKES SMALL STEP TOWARDS INCREASED MEDIA
FREEDOM

Classified By: PolOff Justin Friedman, reasons 1.5 (b and d)

1. (U) In a marathon session on July 15, Croatia's Parliament approved amendments to the Penal Code concerning media slander. The burden of proving the intent to slander and the actual offense now falls on the prosecution, not the defendant, and responsibility can no longer be transferred from a reporter to an editor. This is an important step in the direction of increased media freedom. However, in line with seldom-used provisions in other European countries, the possibility of a prison sentence for libel still exists.

2. (U) Two recent cases of prison sentences given to journalists have stirred public debate. One involves a Slobodan Dalmacija8 journalist, Ljubica Letinic, who was sentenced to prison for libel in Split on July 12. The other case involves the former editor-in-chief of the Slavonski Brod-based newspaper Novi Brodski list8, Miroslav Juric. Juric was sentenced to prison after refusing to pay a fine for alleging the corruption of two judicial officials. In an unusual twist, Minister of Justice Vesna Skare-Ozbolt personally paid Juric,s fine to keep him out of prison, saying, &In this country journalists will not go to prison for libel8.

3. (SBU) The Ministry of Justice provided us with a background paper stating that because of shifts in the burden of proof and elimination of editorial responsibility, this change in the law effectively decriminalizes media slander. Minister of Justice Vesna Skare-Ozbolt has repeated this assertion of "decriminalization" in public.

4. (SBU) Legal experts, including Sabor Member Ivo Josipovic and Croatian Judges Association Head Vladimir Gredelj, have criticized Skare-Ozbolt on two fronts. They claim, first, that the Minister paying the fine does not solve the problem but only reduces respect for the rule of law. Second, they say that the approved legal changes in fact do not fully decriminalize8 libel despite Skare-Ozbolt,s assertions. They have a point. Because the legal burden now shifts from the journalists to the prosecution, it will be more difficult to prove libel. However, media slander does in fact remain part of the Criminal Code and can therefore be punishable by incarceration.

COMMENT

5. (C) The popular Skare-Ozbolt is usually a very sure-footed politician. What in the U.S., for example, might have played as a great public relations ploy, appears to have backfired on her here. In paying Juric,s fine, Skare-Ozbolt may have been trying to harmonize Juric's punishment with intent of the new law. In doing so, she has made her first public relations misstep since taking office. Skare-Ozbolt has told us that she is ready to use the media to advance her reform agenda. Oddly, the media has not jumped to defend and support her but has actually been used by opponents to attack her actions. She may have inadvertently misstepped here, but we fully expect her to regain her footing.

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